

### REMARKS

There remains pending in this application claims 1 to 6, 16 and 17, of which claim 1 is independent. No claims have been added or cancelled.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

The invention as set forth in independent claim 1 is directed to a sheet stacking apparatus which comprises a tray on which the sheets discharged from an outlet are stacked, the tray being movable between a stacking position in which a sheet discharged from an outlet is stacked and a retracted position retracted from the stacking position. There is a controller that controls movement of the tray wherein the controller stops descending movement of the tray by measuring a time period corresponding to a predetermined distance.

Claim 1, as well as claims 2 to 4, 6, 16 and 17, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada, et al. (U.S. Patent No. 6,494,453) in view of Namba, et al. (U.S. Patent No. 6,146,085). In view of the above amendments and the following remarks, the rejections are respectfully traversed.

Yamada, et al. has been discussed in prior amendments and that discussion is incorporated herein by reference. In Yamada, et al., the finishing apparatus detects that the ejection tray has come to a lower limit position by means of a sensor which detects a position of the uppermost sheet placed on the tray. In Yamada, et al. the sensor generates that detection signal depending on a condition of the sheet. However, there is no teaching or suggestion in Yamada, et al. to stop the descending movement of the tray by measuring of a time period corresponding to a predetermined distance.

Namba, et al. was cited for its disclosure of a second tray 9B. However, in view of the above amendments which eliminate recitation of a second tray, Namba, et al. is believed no longer to be pertinent. In any event, Namba, et al. does not teach or suggest a controller that controls movement of a tray wherein it stops descending movement of the tray by measuring a time period corresponding to a predetermined distance.

Accordingly, the applied references, whether taken individually or in combination, do not teach or suggest the invention as recited in independent claim 1.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from claim 1 and are therefore patentable over the art of record for reasons noted above with respect to claim 1. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence A. Stahl/

---

Lawrence A. Stahl  
Attorney for Applicants  
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

LAS:eyw

FCHS\_WS 1904612v1